

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re:) Case No. 14-14888
)
CHARLES T. MURPHY,) Chapter 7
)
Debtor.)
) Chief Judge Pat E. Morgenstern-Clarren
)
_____)
)
CHARLES T. MURPHY,) Adversary Proceeding No. 14-1202
)
Plaintiff,)
)
v.)
)
SALLIE MAE SERVICING, *et al.*,) **ADVERSARY CASE MANAGEMENT**
) **INITIAL ORDER**
Defendants.)

This order applies to this adversary proceeding under Federal Rule of Bankruptcy Procedure

7016. **Counsel for plaintiff or a pro se plaintiff is to:**

- (a) **serve a copy of this order on each defendant together with the summons and complaint; and**
- (b) **promptly file a certificate of service verifying service of this order.**

I. **PRETRIAL CONFERENCE**

A pretrial conference will be held on **January 8, 2015** at 8:45 a.m. in the chambers of The Honorable Pat E. Morgenstern-Clarren, 2nd floor, Howard M. Metzenbaum U.S. Courthouse, 201 Superior Avenue, Cleveland, Ohio (216) 615-4422.

Counsel are expected to appear personally at the pretrial unless otherwise ordered by the court. At that conference, at least one of the attorneys for each party shall have authority to enter into stipulations and to make admissions regarding all matters that participants may reasonably anticipate may be discussed.

II. COMPLIANCE WITH RULE 7026, FEDERAL RULES OF BANKRUPTCY PROCEDURE

On or before **January 5, 2015**, the parties are to make the disclosures required by Federal Rule of Civil Procedure 26(a), made applicable by Federal Rule of Bankruptcy Procedure 7026.

III. JOINT PRETRIAL STATEMENT

On or before **January 5, 2015**, counsel are to file a joint pretrial statement. The joint pretrial statement is to be signed by each counsel and contain this information:

1. Jurisdiction of the court and any opposition to that jurisdiction.
2. A statement of all uncontested facts.
3. A statement of the contested legal issues and disputed facts.
4. A proposed discovery schedule.
5. Certification that the Rule 26(a) disclosures have been made.
6. Any other matters that the parties believe should be addressed in order to meet the goals of Federal Rule of Bankruptcy Procedure 7016.

IV. LOCAL AND BANKRUPTCY RULES

Counsel are required to be familiar with the Federal Rules of Bankruptcy Procedure and the local rules for the United States Bankruptcy Court, Northern District of Ohio. Copies of the local rules are available from the clerk's office and on PACER. They can also be viewed on the internet at www.ohnb.uscourts.gov.

V. COURTROOM PROCEDURES AND STANDING ORDERS

These documents are available at www.ohnb.uscourts.gov. Click on "Judges' Information," then "Judicial Postings," and then "Judge Morgenstern-Clarren." Copies are also available from the clerk's office.

VI. DISCOVERY

The parties are to make sincere, good faith efforts to resolve discovery disputes before seeking aid from the court. If the parties are unable to resolve the issue, they are to advise the court by telephone. A telephone conference call will then be scheduled to attempt to resolve the dispute. Motions under

Local Bankruptcy Rule 7026-1 shall not be filed before that conference takes place, unless otherwise ordered by the court.

VII. COOPERATION

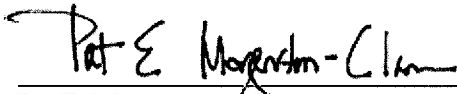
The court's expectation is that counsel will confer with each other frequently and will work together in a professional manner to bring this case to a just, prompt, and inexpensive resolution. (FED. R. BANKR. P. 7016(c)(16)). Counsel are also expected to be familiar with and to be guided by the "Guidelines for Litigation Conduct" published by the American Bar Association. The guidelines can be viewed on the internet at <http://www.abanet.org/litigation/conductguidelines>. See *KeyBank Nat'l Assoc. v. Mann (In re Mann)*, 220 B.R. 351, 357-359 (Bankr. N.D. Ohio 1998).

VIII. UNREPRESENTED PARTIES

If any party is not represented by counsel, any reference in this order to "counsel" shall be read to apply to the unrepresented party.

FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN DISMISSAL OF THE ACTION, DEFAULT JUDGMENT, THE ASSESSMENT OF COSTS AND ATTORNEY FEES, AND OTHER APPROPRIATE SANCTIONS.

IT IS SO ORDERED.



Pat E. Morgenstern-Charren
Chief Bankruptcy Judge

Entered under Administrative Order
No. 06-2: Kenneth J. Hirz, Clerk of Court

By: 

Deputy Clerk

Served on: Wesley A. Johnston, Esq.
Via: BAC Notice
By: Greg Kunn
Date: November 10, 2014